

And The Defense Wins

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On Thursday, August 10, 2017, a federal court jury in San Diego, California unanimously rejected plaintiffs' claims in a product liability suit against Crown Equipment Corporation (Crown), a forklift manufacturer based in New Bremen, Ohio. The jury voted 8–0 in favor of Crown and against plaintiff Nathan Eisenbise and his wife Jeniffer Eisenbise. The lawsuit was based on an accident that occurred in February 2013 at Costco in La Mesa, California. On that day, a Costco employee drove a Crown standup rider forklift and struck Mr. Eisenbise, also a Costco employee and supervisor. Mr. Eisenbise suffered a below the knee amputation as a result of the accident.

The plaintiffs claimed that the forklift's design was defective and caused the injury and that additional guarding of the forklift's steer tires was necessary. Crown defended against these allegations and countered by proving that the forklift's design was not defective and the design of the steer tires did not cause Mr. Eisenbise's injuries. Crown also put on evidence that its design was state of the art. Crown relied on its experts, John Johnson, PE, with Johnson Engineering Services in Salem, Oregon, and Dr. Elizabeth Raphael, MD, with Delta V Biomechanics, Inc., in Palo Alto, California, as well as its director of product safety, Ron Grisez from New Bremen, Ohio, to prove its defense of the claims.

The plaintiffs sought approximately \$6.5 million in compensatory damages in closing arguments. After five hours of deliberations over two days, the jury rejected all claims asserted by the plaintiffs. The jury found that the forklift's design was not a substantial factor in causing Mr. Eisenbise's injury.

Crown Equipment Corporation was represented by DRI member [Michael Wiggins](#) and [Michael Correnti](#) from **McDonald Toole Wiggins PA** in Orlando, Florida, and [Roger Perkins](#) and [Tammara Bokmuller](#) from **Clark Hill/Morris Polich & Purdy** in San Diego, California.

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